APPENDIX A

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

(Received for Entry United States District Court for the Middle District of Tennessee, Nashville Division, June 14, 1966.)

UNITED STATES OF AMERICA vs. DALTON COX REUBEN DAVENPORT	Criminal No. 13,810

Order

This cause came on to be heard on June 14, 1966, for hearing on the motion for a new trial filed by the defendants, Reuben Davenport and Dalton Cox. The defendants, Reuben Davenport and Dalton Cox appeared in person and by their attorneys, Sam Wallace and Norman Lane. The government was represented by Assistant United States Attorney, Larimore Burton, Jr.

After hearing the argument of counsel in regard to the motions for a new trial the Court ruled that the motions were not well taken and therefore ORDERED that said motions be and the same hereby are denied.

THEREUPON THE COURT ORDERED that execution of sentence as to Reuben Davenport and Dalton Cox be suspended until August 1, 1966; or if a notice of appeal is filed within the proper time as provided by the Federal Rules of Criminal Procedure then execution of sentence shall be further suspended until the appeal is resolved.

IT IS FURTHER ORDERED that the defendants, Reuben Davenport and Dalton Cox be allowed to remain on their same bond pending final disposition of the case.

/s/ Frank Gray, Jr.
United States District Judge

APPROVED FOR ENTRY:
Gilbert S. Merritt, Jr.
United States Attorney
Larimore Burton, Jr.
Asst. United States Attorney

APPENDIX B

No. 17,436

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

(Filed in the United States District Court, June 22, 1967.)

UNITED STATES OF AMERICA,
Plaintiff-Appellee,
v.
REUBEN L. DAVENPORT,
Defendant-Appellant.
Decided June 22, 1967

} Appeal from the United States District Court for the Middle District of Tennessee

Before: PHILLIPS, CELEBREZZE and COMBS, Circuit Judges.

Defendant-appellant was found guilty by a jury on two counts of an indictment for concealing and selling a stolen automobile transported in interstate commerce. 28 U.S.C. Section 2313. He appeals from the judgment sentencing him to one year and six months on each count, the sentences to run concurrently.

The sole ground of appeal is that the District Judge made improper and prejudicial comments before the jury in the course of the trial.

We have read all of the comments made by the District Judge appearing in the record and do not consider them prejudicial to the defendant-appellant.

It is noted that the jury was admonished by the Judge not to consider any statement made by him during the trial as reflecting his opinion on the question of the guilt or innocence of the defendant.

It is noted also that there was no objection by defendant-appellant's employed counsel to any comment made by the District Judge during the trial.

The judgment of the District Court is affirmed.

Entered by order of the Court.

/s/ Carl W. Reuss
Clerk